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Addendum to the Human Right Council Thematic report of the Special Rapporteur on Violence, its Causes and Consequences (A/HRC/29/27)*

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I. Introduction

The Special Rapporteur has participated in numerous meetings and discussions on the subject of the normative gap in international law in respect of violence against women. The following sections highlight edited versions of submissions received from organizations and individuals who are continuing their research and advocacy on this issue. The objective of including this addendum to the thematic report of the current Special Rapporteur is to highlight and institutionalize memory regarding the efforts of civil society, and to provide an historical perspective for the next mandate holder, and also the United Nations system. This has become imperative in light of the experience of attempts at silencing and stifling discussion on the normative gaps, and also the criticisms by individuals about how such discussions undermine the existing frameworks. The Special Rapporteur expects that there will be contestations about developments and discussions that have occurred over the past five years on the normative gap in international law as regards violence against women, and thus this document will serve as a valuable historical record.

A further reason to include this addendum is the lack of discussion, documentation and acknowledgement of a historical, yet seminal, UN expert group meeting (EGM) that occurred in 1991 in Vienna. The EGM was devoted to discussions on the development of a specific instrument on violence against women, with the Government of Canada presenting a Working Paper titled "Issues in the Development of an International Instrument on Violence against Women" (1991) UN DOC EGM/VAW/WP.1). In this paper, there is an acknowledgement of the limited applicability of existing international treaties to violence against women. The rationale of the Government of Canada for proposing a treaty dealing with violence against women was that "there are currently no international instruments that deal with this issue in an express and comprehensive fashion".[1] The only document that the Special Rapporteur had access to, which had emanated from the EGM, is a submission written by Andrew Byrnes who reacted to the idea of a draft treaty as proposed by the Government of Canada.

The Special Rapporteur has been unsuccessful in obtaining other documents, despite approaching relevant UN agencies and participants who were at the EGM. The responses received indicate that either people had no knowledge of such a meeting, or that they do not have the documents. This again reinforces the need to record the views and the historical aspects of current efforts in this regard, to avoid a similar situation of the loss of institutional memory of developments. The addendum also serves an important educative purpose, for further research and advocacy. As is apparent in the submissions received, the research and advocacy will continue in the future.

2. "Some Effects of Closing the Normative Gap"

Submission received from David Richards, Associate Professor of Human Rights & Political Science, University of Connecticut, and Jillienne Haglund, Postdoctoral Fellow, Washington University.

[1] Andrew Byrnes "Observations on the background paper prepared by the Government of Canada on issues in the development of an international instrument on violence against women" Paper prepared for the Expert Group Meeting on Violence against Women 11-15 Nov 1991, Vienna (para 2).

Introduction

In her 2014 report to the Human Rights Council, Special Rapporteur Manjoo expressed her concerns about the seriousness of the normative gap existing in international law as relates to violence against women. The current situation is, she says, one of "'normativity without legality' and is reflected in the endorsement of principles by States, through resolutions, but without the development and adoption of specific binding legal commitments as regards violence against women."2

Currently the treatment of violence against women in binding international law is rather limited and indirect. The most prominent treatment is indeed indirect: General Recommendation 19 of CEDAW, which incorporates violence against women into the treaty's anti-discrimination framework. Also indirectly, international legal entities such as the ICTY and ICTR may use treaty law on torture and genocide (e.g., Prosecutor v Kunarac et al. and Prosecutor v. Akayesu, respectively) to punish acts of gender-based violence such as rape in times of conflict. In terms of direct legal address, however, the only avenue is via regional treaties such as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), and The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011).

Despite the indirect and limited character of international legal avenues available to treat the entrenched pandemic that is violence against women, there exists resistance to the call for a dedicated, binding, legal framework establishing violence against women as a specific, grave, and widespread human rights violation. For example, Dr. Palitha Kohona, a former chief of the U.N. Treaty Section, says "The promoters of a treaty will have to convince the international community there is a real need for such a legal instrument."3 It is our goal here to provide some preliminary evidence demonstrating exactly the need to close the normative gap.

Examining the consequences of the normative gap

Data currently does not exist which allows for a direct empirical test of the consequences of the international normative gap on outcomes. However, there are corollary issues within domestic legal frameworks which can be investigated using data created for our book Violence Against Women and the Law (Paradigm/Routledge 2015), many of which speaks to the consequences of the normative gap.

First, we can look at the status of domestic gender-based violence laws. Since CEDAW's Article 2, incorporated with General Recommendation 19, is the existing legal mandate for the creation of laws prohibiting violence against women, we can assess how successful has been that regime. Second, there exists a normative gap in domestic legal codes' addressing of violence against women that is akin to the international normative gap, where states do not provide explicit legal guarantees against gender-based violence but, rather, offer other existing laws that might be used to provide some recourse to victims. A good example would be a state that does not have a domestic violence law, but has a general assault law that can be used by victims, and this is similar to the indirect way current international law is used with regard to violence against women.

In our research, we audited 196 states' domestic laws regarding four forms of violence against women (rape, marital rape, domestic violence, and sexual harassment), from 2007

2 http://www.ishr.ch/news/violence-against-women-barrier-effective-exercise-all-human-rights

3 http://www.ipsnews.net/2014/10/another-womens-treaty-implement-existing-one-say-ngos/

to 2010, and rated them on the following scale: 0: No law or discriminatory law; 1: Incomplete law; 2: Corollary law; 3: Explicit, full law.4 Our findings indicate that the average strength of these laws, globally, was: Rape: 2.56; Domestic Violence: 1.94; Sexual Harassment: 1.61 and Marital Rape: 1.17. Clearly, for three of these four types of laws addressing violence against women, there is a long way to go to reach the point where one could even say that, on average, women in the world have basic, explicit legal prohibitions protecting them from violence; this, 35 years after CEDAW was adopted. In some regions, the status of these laws is far worse than the averages shown here. Furthermore, the difference between a corollary law (2) and an explicit guarantee (3) is of great interest as, the greater extent to which women realize lives of dignity in countries with explicit guarantees, as opposed to the lesser enjoyment of dignity by those in countries with corollary laws, is the extent to which the domestic normative gap negatively affects women. We would expect a similar phenomenon at the international level.

Our findings, for states that have closed the domestic normative gap, include the following: 5 States with explicit domestic violence laws score higher on the UN Gender Development Index (GDI) and the UN Human Development Index (HDI), have lower fertility rates, and have fewer women among their population living with HIV, than do those with corollary laws. States with explicit marital rape laws score higher on the GDI, HDI and UN Gender Empowerment Measure (GEM), and they have better enforcement of gender-violence laws, than do those with corollary laws. States with explicit sexual harassment laws score higher on the HDI and GEM, have fewer women among their population living with HIV, and have better enforcement of gender-violence laws, than do those with corollary laws.

These results point to the fact that there is a reliable difference in the degree of dignity afforded to women's lives in states with explicit guarantees against gender-based violence and those states with only corollary laws. While the complete set of factors affecting dignity is complex, from our findings we believe laws to be an important component of the differences as reflected above. Further, we believe that knowing this about the effect of the domestic normative gap on women's dignity obliges us to engage in a serious discussion about what are the consequences of the international normative gap.

Factors explaining the strength of national laws

During the 59th Session of the Commission on the Status of Women, the Secretary-General echoed UN Women in asserting that 50-50 gender representation in government needs to happen by 2030 and that governments need to make national commitments to eliminate gender inequality.6 UN Women argues that one way to reach this goal is by passing new laws or strengthening those in place.7 Thus, examining the factors associated with the adoption and strength of gender-violence laws represents an important step in making the 2030 goal achievable.

In our book, we explore various political, economic, and social factors associated with the adoption and strength of legal protections related to violence against women. Some of our key findings include the following: First, incorporation of women into the political process

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4 In our book we go into detail about the guidelines dictating into what category any particular law falls. We also discuss the advantages of this approach relative to others used by UN Women and the OECD. Inter-rater reliability for these ratings was .88 and above, demonstrating great confidence in these guidelines.

5 Results in the list were found statistically significant from a difference of means test with unequal variance specified. All but one result ($p \leq .07$) were statistically significant at $p \leq .05$. We did not test rape laws, as there is insufficient variance, globally, in this legal prohibition.

6 http://www.un.org/apps/news/story.asp?NewsID=50277#.VQskWo54pcQ

7 http://beijing20.unwomen.org/en/step-it-up/about

is crucial for the adoption and strength of gender-violence laws. We find that as the percentage of women in a national legislature increases by about 10 percent, countries are about 10 percent more likely to adopt explicit, full laws against marital rape, domestic violence, and sexual harassment. The evidence suggests that women in government are representative of women's interests and they have an influence on policymaking related to women's issues, specifically violence against women, including by introducing and passing relevant legislation. Second, improved respect for women's economic rights and greater capability are associated with the adoption of relatively stronger legislation related to violence against women. In terms of enforcement of such laws, increased respect for women's economic rights is associated with a 12 percent increase in the probability of a country engaging in better enforcement of legal protections addressing violence against women. Third, we find that laws addressing violence against women diffuse globally, and our research on sexual harassment laws indicates that countries look to neighboring countries in their emulation and adoption of such legislation.

The global diffusion of laws reinforces the call for a specific international instrument on violence against women for two reasons. First, an important part of the strength of international norms lies in homogeneity of concepts and application; and second, with the guidance of a universal norm (emanating from a specific international instrument), domestic laws should diffuse somewhat evenly across countries, providing a more-equitable pattern of access to redress for this human rights violation. Our research indicates that international law does influence the strength of gender-violence laws. As the number of years to which a country has been party to CEDAW increases, usually by 8 years or more, the likelihood of adopting explicit, full legal protections against domestic violence increases by about 23.4 percent. Resistance to international law is associated with a reduced likelihood of adopting gender-violence legislation. Countries that hold a reservation to Article 2 of CEDAW are 15.8 percent less likely to adopt full marital-rape legal protections and 26.2 percent less likely to adopt full domestic violence legal protections.

Whether international law influences the strength and adoption of legislation directly, or indirectly, by providing legitimacy to rights-related demands, the evidence suggests that international law is influential in the adoption of strong gender-violence laws at the national level. When this finding is viewed in isolation, it may seem to make the case that CEDAW is sufficient, but this is not the case. When paired with our finding that legal protections in gender-based violence laws, other than rape laws, are sorely lacking in most countries, CEDAW, which has been in force for over 35 years, helped change the picture of legal protections from abysmal to lacking - but has failed to nudge legal protections any further towards being at the required standard. Social movements and organizations also require a stronger, specific, international standard with regards to ensuring effective monitoring of a state's obligation to prevent and ultimately eliminate violence against women.

3. Submission received from Professor Jackie Jones and Dr. Noelle Quenivet of the Department of Law, University of the West of England (UWE)

Introduction

In November 2012 we read the following statement in a press release: "Speaking at a side event of the 67th session of the UN General Assembly, the United Nations Special Rapporteur on violence against women, Ms. Rashida Manjoo, called on UN bodies and NGOs to discuss how best to collaborate in advancing the international agenda for preventing and eliminating all forms of violence against women and girls... The Special Rapporteur recommended forging a new UN Convention on Violence against Women, a suggestion echoed by Deputy Executive Director of UN Women Lakshmi Puri. "It would

be a dream outcome of CSW." Ms. Puri said, and invited panelists to begin working together on this goal." 8

It seemed evident to us that CEDAW, whilst having many positive qualities and being an essential piece of international legislation preventing discrimination against women in the world, did not specifically provide the normative tools for effectively holding states to account for their lack of protection of women and girls from violence. In addition, having been written in the 1970s, at a time when partner violence, the most common form of violence against women (VAW) was seen globally as a private issue, it did not put this issue at the top of the gender inequality agenda. Today the world view on VAW, including prevention strategies, has moved on to such a degree that the time is ripe to draft a convention incorporating prevention and 'newer' forms of violence against women and girls, including lessons learned in the interim period.

The process of consulting on and drafting a Convention against Violence against Women and Girls

As academics and activists in the women's rights sector, we decided to initiate a series of discussions on the issue, while at the same time also starting the process of writing a Convention against violence against women and girls. One of the most important steps in the process was to gather momentum around a campaign in favour of a new international instrument before any concrete draft convention could be widely disseminated. Funding to enable us to hold a series of events to garner grassroot, legal and activist support for the idea of a new instrument was obtained in September 2012 from the University of the West of England (UWE).

Our discussions and consultations have included numerous activities, including the following:

1) Prof. Rashida Manjoo giving a Distinguished Professorial Address at UWE outlining the current legal framework relating to the protection of women under international law as well as illustrating its failings.

2) Prof. Jones conducting a series of presentations on the topic, for example via video link for the Study Programme at the Carr Centre, Harvard University and at the Feminist Legal Theory Workshop, Emory University.

3) The draft Convention on violence against women and girls was presented at the London meeting of the UK National Alliance of Women's Organizations.

4) The draft was also presented at the European Women Lawyers Association meeting in Brussels and was warmly received with several suggestions for the inclusion of certain issues and for further necessary action.

5) The draft was 'taken' to CSW by Prof Jones, Chair of Wales Assembly of Women and Secretary General of European Women Lawyers Association, and it was discussed among activists and lawyers from a variety of countries. It was mooted that the idea of a new Convention should be put on the agenda of the 5th World Conference on Women.

6) In parallel to these developments in Europe, other activists had also rallied to the call for a new convention, most notably the Carr Centre at Harvard University, where Prof. Jones was invited to speak at a symposium discussing a grass roots

[8] http://www.worldwomenglobalcouncil.org/2012/11/toward-a-un-convention-on-violence-against-women/)

campaign around a new Convention. Strong links have since been made with this campaign and Prof. Jones regularly inputs into the global campaign.[9]

7) With a view to explore such gap, with a wider audience a panel discussion on the International Legal Gaps in the Protection of Women from Violence was organized in London. Over 100 delegates, including activists, lawyers, civil society organizations and academics, from across Europe attended the event. The meeting generated a fruitful conversation on the legal gaps in the protection of women from violence as well as considered the possibility of drafting a universal convention against violence against women.[10]

8) At CSW 58 in 2014 at least three side events focused on the idea of a new international legal instrument. The campaign was also mentioned at many different meetings and events, including the *EveryWoman EveryWhere* campaign event at which several panelists had a frank exchange on the pros and cons of a new international legal instrument, thereby clearly demonstrating a demand for such a debate.

9) Further input from organizations was sought, including a presentation to the UK End Violence against Women Coalition.

10) A meeting of experts from across Europe was convened by IMKAAN in London to discuss whether a new international legal instrument was required, useful, and mandated. It was agreed at the meeting that there was a legal gap and that this contributed to the impunity of state and non-state actors in the systematic and widespread prevalence of violence against women and girls around the globe, including Europe. The expert meeting allowed for a frank conversation on the process of drafting an international convention against violence against women and girls, the pitfalls of drafting and adopting international conventions, and discussions on the expertise required. It was agreed that further amendments should be made to the draft already in existence. Whilst the Istanbul Convention was welcomed and needed, the addition of a global instrument would be highly beneficial to all of humanity, rather than it being viewed as a rival to a Europe-specific legal instrument.

11) Prof. Jones attended an expert meeting analyzing the draft chapter on 'Human Rights of Women' for the EU Beijing +20 Report organized by the EU Institute for Gender Equality, Vilnius, where she discussed the developments to date and many delegates expressed an interest in discussing the draft Convention.

12) At CSW59, several organizations held (full and partial) panels on a new international legal instrument.

The first draft of the instrument was written and discussed by several colleagues in December 2012 at an internal university meeting and has subsequently been shared with selected partners, including lawyers and activists at various meetings and gatherings, as illustrated above. It has been amended several times as a result of this process. The draft convention draws on international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment; regional instruments such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Inter-American Convention on the

[9] *EveryWoman EveryWhere* (http://everywomaneverywhere.org).

[10] Reports of the panel presentations and discussions are available on the IntLawGrrls blog and in the SOLON network legal journal.

Prevention, Punishment and Eradication of Violence against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. It also draws on relevant resolutions and declarations and international and national case law, in the effort to consolidate knowledge into a single, comprehensive first draft of a specific international instrument. The most recent version of the draft Convention, resulting from the numerous discussions and meetings, and also as a result of work undertaken by Prof. Jackie Jones and Dr. Quénivet, is included below.

Draft Convention for the Elimination of Violence against Women and Girls (CEVAWG)

Preamble

The Parties to the present Convention,

Reaffirming the commitment all Parties have made to the eradication of all forms of violence against women and girls;

Condemning all forms of violence against women and girls;

Reaffirming the need of women to be able to live a life free of violence and to be guaranteed the full enjoyment of their rights without discrimination throughout the life cycle;

Recalling the Committee on the Elimination of Discrimination against Women (CEDAW Committee) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in its general recommendation on violence against women No. 12 (1989) and No. 19 (1992) helped to ensure the recognition of gender-based violence against women as a form of discrimination against women;

Recognising the structural nature of violence against women as genderbased violence, and that violence against women and girls is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising that Parties' efforts to comply with their due diligence obligation must address the structural causes that lead to violence against women and girls;

Acknowledging the multiple forms of violence suffered by women across their life cycles and the different types of discrimination they encounter;

Highlighting the fact that women and girls live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on women and girls in all parts of the world;

***Have agreed* as follows:**

Part I: Purposes, General Principles and General Obligations

Article 1: Purposes

The purposes of the present Convention are to:

a) Condemn, eliminate and eradicate all forms of violence against women and girls;

b) Protect women and girls against all forms of violence, and prevent, prosecute and eliminate violence against women and girls;

c) Contribute to the elimination of all forms of discrimination against women and promote transformative equality, including by empowering women and girls;

d) Design age-appropriate comprehensive frameworks, policies and measures for the protection of and assistance to all victims of violence against women and girls;

e) Promote international co-operation with a view to eliminating violence against women and girls;

f) Provide support and assistance to organisations and law enforcement agencies to effectively cooperate in order to adopt an integrated approach to eliminating violence against women and girls.

Article 2. Definitions

For the purposes of the present Convention:

a) "Violence against women" is understood as a violation of human rights and a form of discrimination against women and girls and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public, economic, private and cyber life;

b) "Gender" shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women;

c) "Gender based violence" shall mean in the present Convention violence that is directed against a woman because she is a woman or that affects women disproportionately;

d) "Women" includes girls under the age of 18 and persons who are perceived by or self-identify themselves as women;

e) "Victim" shall mean any natural person who is subject to the conduct specified in point (a).

Article 3. Scope of the Convention

a) The present Convention shall apply to all forms of violence against women and girls.

b) Parties shall apply the present Convention to all victims of violence against women and girls.

c) The present Convention shall apply in times of peace and in situations of armed conflict.

d) The Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in the present Convention.

Article 4. General Principles

The general principles of the present Convention shall be:

a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

b) Non-discrimination;

c) Full and effective participation and inclusion in society;

d) Transformative equality.

e) Access to justice and the granting thereof.

Article 5. General Obligations

Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for women and girls. To this end, Parties undertake:

a) To adopt all necessary legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

b) To take all necessary measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women and girls;

c) To take into account the protection and promotion of the human rights of all women and girls in all policies and programmes;

d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

e) To take all necessary measures to eliminate violence against women and girls by any State or non-State actor;

f) To ensure effective access to justice for women and girls, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating women and girls who suffer violence, Parties shall closely consult with and actively involve women and girls, including through NGOs and civil society.

Article 6. State Obligations and Due Diligence

Parties shall refrain from engaging in any act of violence against women and girls and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.

Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of the present Convention that are perpetrated by non-State actors.

Article 7. Equality and Non-Discrimination

Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

Parties shall use all available means to eliminate all forms of gender-based violence and guarantee to women and girls equal and effective legal protection against discrimination on all grounds.

Parties shall take the necessary legislative and other measures to promote and protect the right of women and girls to live free from violence. This includes but is not limited to the public, economic, private and cyber spheres.

The implementation of the provisions of the present Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, regular and irregular migrant or refugee status, women and girls involved in prostitution and/or subject to sexual exploitation, or other status.

Special measures that are necessary to prevent and protect women and girls from gender-based violence shall not be considered discrimination under the terms of the present Convention.

Article 8. Multiple and Intersecting Forms of Discrimination

Parties recognize that women and girls who suffer violence are subject to multiple and intersecting forms of discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights.

Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women and girls, for the purpose of guaranteeing them the exercise and enjoyment of the human rights set out in all human rights instruments.

Part II: Prevention

Article 9. General Duty to Prevent Violence against Women

Parties undertake to take measures to prevent violence against women and girls. To this end, Parties shall:

a) Take the necessary legislative and other measures to prevent all forms of violence covered by the scope of the present Convention by any State and non-State actor. Such measures shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre;

b) Take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of the present Convention;

c) Ensure that culture, custom, religion, tradition or so-called "honour" shall not be considered as justification for any acts of violence covered by the scope of the present Convention;

d) Take the necessary measures to promote programmes and activities for the empowerment of women and girls.

Article 10. Prevention and Awareness-raising

Parties undertake to adopt immediate, effective and appropriate measures:

a) To raise awareness throughout society, including at the family level, regarding violence against women and girls;

b) To combat all forms of structural discrimination which permits a climate of violence against women and girls to continue unabated;

c) To combat stereotypes, prejudices and harmful practices relating women and girls, including those based on sex and age, in all areas of life;

d) To promote awareness of the capabilities and contributions of women and girls.

Measures to this end include:

a) Initiating and maintaining effective public awareness campaigns designed to promote positive perceptions and greater social awareness to eliminate violence against women and girls;

b) Fostering at all levels of formal and informal education system, including in all children from an early age, an attitude of respect for the rights women and girls to live a life free of violence;

c) Encouraging all organs of the media to cease portraying violence against women and girls as normal and in a manner consistent with the purpose of the present Convention;

d) Promoting awareness-training programmes regarding a life free of violence and the rights of women and girls.

Article 11. Education

Parties shall take the necessary steps to include teaching material adapted to the evolving capacity of learners, in formal curricula and at all levels of education. This includes but is not limited to issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and girls and the right to personal integrity.

Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

Article 12. Training of Professionals

Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of the present Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimization.

Parties shall encourage that the training referred to in paragraph 1 includes training on coordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of the present Convention.

Article 13. Preventive Intervention and Treatment Programmes

Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

In taking the measures referred to in paragraph 1, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

Part III: Protection and Support

Article 14. Duty to Protect and Support Women

Parties undertake to take measures to protect women and girls from violence and, when appropriate, offer support to such women and girls. To this end, Parties shall:

a) Take the necessary legislative or other measures to protect all victims from any further acts of violence;

b) Take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand;

c) Take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organizations and other relevant organizations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of the present Convention, including by referring to general and specialist support services;

d) Take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

Article 15. Immediate Response, Protection and Support

The Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of the present Convention promptly and appropriately by offering adequate and immediate protection to victims.

Thereafter an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence must be carried out by the State authorities. In this light, Parties shall take the necessary legislative or other measures to ensure that:

a) The competent authorities are granted the power to order, in situations of immediate danger, a perpetrator to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk;

b) Appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of the present Convention. Breaches of such orders shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

Article 16. Guiding Principles in Relation to Protection and Support

Parties shall ensure that measures taken pursuant to this Part shall:

a) Be based on a gendered understanding of violence against women and girls and domestic violence and shall focus on the human rights and safety of the victim;

b) Be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;

c) Aim at avoiding secondary victimization;

d) Aim at the empowerment and economic independence of women and girls victims of violence;

e) Allow, where appropriate, for a range of protection and support services to be located on the same premises;

f) Address the specific needs of vulnerable persons, including child victims, and be made available to them;

g) The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

Part IV: Investigation and Punishment

Article 17 Duty to Investigate and Punish

Parties undertake to take measures to investigate acts of violence against women and girls, whenever appropriate, punish the perpetrators. To this end, Parties shall:

a) Take the necessary legislative measures to establish the acts listed in Articles 23 to 33 as criminal offences, when committed, attempted to commit, or aided or abetted in the commission of such offences;

b) Take the necessary legislative or other measures to make all forms of violence against women and girls reprehensible;

c) Initiate without delay and of their own motion investigations where there is reasonable ground to believe that acts of violence against women and girls have been committed;

d) Ensure that any woman and girl who alleges she has suffered from violence has the right to complain to the authorities;

e) Punish the perpetrator after determining that an act of violence has been committed.

Article 18 Jurisdiction

Parties shall:

a) Establish jurisdiction over acts of violence against women and girls committed on their territory, by one of its nationals abroad or by a person who has his/her habitual residence in their territory or against one of its nationals abroad;

b) For the investigation and prosecution of the offences established in accordance with Articles 23 to 33 of the present Convention, take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed;

c) Take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with the present Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

When more than one Party claims jurisdiction over an alleged offence established in accordance with the present Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

Article 19 Investigations

The Parties must ensure that its competent authorities proceed to a prompt and impartial investigation of any act of violence against women and girls.

Investigations carried out by the authorities can take various forms, using civil, criminal, religious, indigenous or any other suitable mechanism to determine whether there has been or there is suspected to be a violation of the present Convention.

During the investigation, prosecution and judicial proceedings Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

a) Providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation, repeat victimisation or similar acts;

b) Ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;

c) Informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;

d) Enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;

e) Providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;

f) Ensuring that measures may be adopted to protect the privacy and the image of the victim;

g) Ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

h) Providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;

i) Enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

Article 20 Access to Justice

The Parties shall take the necessary legislative or other measures to ensure that all women and girls who have suffered violence have access to justice.

In order to ensure effective access to justice for women and girls who are suffering or have suffered violence, Parties shall:

a) Promote appropriate training for those working in the field of administration of justice, including police and prison staff;

b) Provide free and adequate legal aid.

Article 21: Punishment

Punishment can be meted out using civil, criminal, religious, indigenous or any other suitable mechanism.

The Parties may adopt measures in relation to perpetrators such as:

a) Monitoring or supervision of the perpetrator;

b) Withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way;

c) Establishment or support of programmes aimed at teaching perpetrators of violence against women and girls to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.

d) Establishment of preventive intervention and treatment programmes as provided in Article 13 of the present Convention.

In relation to the offences established in Articles 23 to 33 of the present Convention, Parties shall take the necessary legislative or other measures to ensure that these offences are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

Article 22: Reparation

Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim reparation from perpetrators for any of the offences established in accordance with the present Convention.

Adequate compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming redress for reparation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

Measures taken pursuant to paragraph 2 shall ensure the granting of reparation within a reasonable time.

Part V: Substantive Law

Article 23: Physical Violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalized.

Article 24: Freedom from Exploitation, Violence and Abuse

Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect women and girls, both within and outside the home, from all forms of exploitation, violence and abuse, in particular gender-based forms of violence.

Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for women and girls and their families, including through the provision of

information and education on how to avoid, recognize and report instances of exploitation, violence and abuse.

Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of women and girls who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

Parties shall put in place effective women-specific legislation and policies to ensure that instances of exploitation, violence and abuse against women and girls are identified, investigated and, where appropriate, prosecuted.

Article 25. Sexual Violence, Including Rape

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalized:

a) Engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;

b) Engaging in other non-consensual acts of a sexual nature with a person;

c) Causing another person to engage in non-consensual acts of a sexual nature with a third person.

Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.

Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognized by internal law.

Article 26. Forced Marriage

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalized.

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalized.

Article 27. Female Genital Mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalized:

a) Excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;

b) Coercing or procuring a woman to undergo any of the acts listed in point (a);

c) Inciting, coercing or procuring a woman or girl to undergo any of the acts listed in point (a).

Article 28. Forced Abortion and Forced Sterilization

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalized:

- Performing an abortion on a woman without her prior and informed consent;
- Performing surgery that has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

Article 29. Unacceptable Justifications for Crimes, Including Crimes Committed in the Name of So-Called "Honour"

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of the present Convention, culture, custom, religion, tradition or so-called "honour" shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

Article 30. Psychological Violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalized.

Article 31. Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalized.

Article 32. Sexual Harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Parties shall take the necessary legislative or other measures to recognize and investigate cases where cyber harassment, defined as repetitive abuse on social media, plays a role.

Article 33. Non-State Torture

Parties shall ensure national laws criminalize non-State torture perpetrated by non-State actors and hold perpetrators accountable for gender-based non-State torture crimes.

Article 34. Custody, Visitation Rights and Safety

Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of the present Convention are taken into account.

Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardize the rights and safety of the victim or children.

Part VI: Implementation and Monitoring

Article 35. Statistics and Data Collection

Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for women and girls who are or have suffered violence;

b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

The information collected in accordance with this article shall be disaggregated and used to help assess the implementation of Parties' obligations under the present Convention and to identify and address the barriers faced by the continued serious level of violence against women and girls in order to be able to exercise their rights.

Parties shall ensure that the information collected pursuant to this article is available to the public.

Article 36. International Cooperation

Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among Parties and in partnership with relevant international and regional organizations and civil society. Such measures could include, inter alia:

b) Ensuring that international cooperation, including international development programmes, is inclusive and directed at women and girls who experience violence;

b) Facilitating and supporting capacity-building in collaboration with women's and girl's organizations working on violence against women and girls, including through the exchange and sharing of information, experiences, training programmes and best practices;

c) Facilitating cooperation in research and access to scientific and technical knowledge;

d) Providing, as appropriate, technical and economic assistance to ensure sustainability.

The provisions of this article are without prejudice to the obligations of each Party to fulfill its obligations under the present Convention.

Article 37. National Implementation and Monitoring

Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, Parties

shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

Civil society, in particular women and girls who are suffering or have suffered violence and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 38. International Reporting Mechanism

In order to ensure effective implementation of its provisions by the Parties, the present Convention establishes a specific monitoring mechanism.

Each Party shall submit to the Committee on the Elimination of Discrimination against Women established by Article 17 of the Convention on the Elimination of Discrimination against Women, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the Party concerned.

Following the submission of the comprehensive report, Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

The Committee shall decide any guidelines applicable to the content of the reports and may request from Parties further information relevant to the implementation of the Present Convention.

A Party that has submitted a comprehensive initial report to the Committee, need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 5 paragraph 2 of the present Convention.

Part VII: Final Provisions

Article 39. Higher Standards

Nothing in the present Convention shall affect any provisions which are more conducive to the elimination of violence against women and girls and which may be contained in the law of a Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

Article 40. Relationship with other International Instruments

The present Convention shall not affect obligations arising from other international instruments to which Parties to the present Convention are Parties or shall become Parties and which contain provisions on matters governed by the present Convention.

The Parties to the present Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in the present Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Article 41. Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42. Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of [insert date].

Article 43. Consent to Be Bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44. Regional Integration Organizations

"Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

References to "Parties" in the present Convention shall apply to such organizations within the limits of their competence.

For the purposes of article 44, paragraph 1, and article 46, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.

Article 45. Entry into Force

The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46. Reservations

The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 47. Amendments

Any Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to Parties with a request that they indicate whether they favour a conference of Parties for the purpose of considering and voting upon the proposals. In the event that, within four months

from the date of such communication, at least one third of the Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of Parties.

When an amendment enters into force, it shall be binding on those Parties that have accepted it, other Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 48. Denunciation

A Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49. Authentic Texts

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention

4. Submission received from The Everywoman Everywhere Coalition

Introduction

The Everywoman Everywhere Coalition was created by and for the rapidly-growing community of women's rights advocates who see a UN treaty - the right UN treaty - on violence against women as a major step forward in advancing women's security in their local contexts and worldwide. This effort was initially catalyzed in 2012 by women's rights activist Lisa Shannon and Dr. Charlie Clements, a human rights activist who played a crucial role in the International Campaign to Ban Landmines. The reports and urgent calls of the UN Special Rapporteur on Violence Against Women Rashida Manjoo for a new legally binding norm further propelled them into action. The Carr Center for Human Rights hosted an initial convening of women's rights activists and scholars in June of 2013. A seed-phase working group formed out of the initial convening, with the mission of exploring the need for a treaty.

An extended exploratory phase, then termed "Ban VAW – Ban Violence Against Women", was conducted from June 2013-October 2014, under the leadership of activists and Carr Center Fellows, Lisa Shannon and Vidya Sri, herself a survivor of VAW. This phase combined rigorous academic research with extensive consultations and conversations with women's rights advocates from around the world. The exploratory phase and conversations with hundreds of women's rights activists around the world, revealed robust interest in a new norm. Passionate interest and commitment to advancing women's security through new norm creation emerged through these conversations. However, an unfortunate climate of fear and resistance often muted open discussion and exploration because of well-connected establishment voices deeply committed to preserving CEDAW's legacy as-is, regardless of the role a new treaty may play in complementing CEDAW or protecting

women. This has forced many expert practitioners to take the conversation "underground", as opposed to exploration through open debate.

To date 115 organizations from 52 countries have signed our sign-on statement, developed by Regional Working Groups: "I stand for the right to a life free from all forms of violence for everywoman, everywhere. I hereby join the global call for an international treaty on violence against women and girls worldwide." October 2014 marked the birth of The Everywoman Everywhere Coalition, a project of the newly registered organization, The International Commission on Violence Against Women and Girls, following and supporting the call emerging from women's rights advocates around the world. This highly diverse coalition is born of and driven by survivors and practitioners, with more than 60 active working group members from more than 52 countries including every continent and major geographic area. Everywoman Everywhere operates with a decentralized, regional working group structure. The Everywoman Everywhere Coalition operates on a foundational principle: An inclusive, participatory, rights-based approach, taking full advantage of on-the-ground expertise from practitioners and survivors, is essential for the efficacy of any potential treaty.

Aims, objectives and functioning

The Coalition aims to create leadership space and support for advocates who sign on to a basic statement, developed by Regional Working Groups: "I stand for the right to a life free from all forms of violence for everywoman, everywhere. I hereby join the global call for an international treaty on violence against women and girls worldwide." With a foundational commitment to including diverse voices, this coalition-based campaign is structured from the grassroots up. The core platform is being developed through an extensive global consultative process, ensuring that marginalized voices play a central leadership role through a decentralized regional working group structure. By January 2015, the Everywoman Everywhere Coalition membership has grown to 189 members, including 116 member organizations from 54 countries around the globe. Given current outreach efforts, this number is expected to more than double by June of 2015.

In the fall of 2014, 60 working group members from more than 52 countries assembled as a leadership team to engage in the pursuit of a singular goal: Mobilization and execution of a global, grassroots-up campaign for a universal legal tool in the form of a UN Convention or Additional Protocol to CEDAW that empowers every woman and girl access to legal remedy should their rights to personal security be violated. The goal of such an instrument is to move violence against women and girls from soft law (declarations, recommendations, suggestions) into a comprehensive, specific, legally binding instrument that establishes global minimal norms and standards to outlaw violence against women, with monitoring, evaluation, and implementation mechanisms, and clear structure for states to track progress. Building on past hard-fought, world-changing victories of the international women's movement, the goal of the Everywoman Everywhere Coalition is a comprehensive, specific, legally binding instrument in the form of a UN treaty that establishes global minimal norms and standards to outlaw violence against women in its many forms, with a specific monitoring mechanism.

The Research: The Need for a new Treaty

With a global volunteer team of 35 research assistants, relationships with 30 law clinics worldwide, extensive policy and legal research has been undertaken to build the core platform. Major gaps in the current legal and implementation framework have been examined, while identifying models for potential legislation, including progress and effectiveness of regional conventions, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul

Convention), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém Do Pará), and the comparison of regional treaties to the UN Handbook on Legislation on Violence Against Women[11]. Dialogue with the drafters of these regional conventions and those involved in the implementation of CEDAW and the Istanbul Convention are ongoing to catalogue the geo-political perspectives on VAW. Further, the effectiveness of the Universal Periodic Review process is being assessed and the successes and lessons learned from the National Action Planning process are being reviewed. Through the Harvard Kennedy School and Coalition partner organizations, a pilot consultation in Pakistan has been completed in early 2015.

The current gaps and resultant statistics are glaring. In the USA, rapists who impregnate their victims maintain parental rights in 31 states.[12] Marital rape is legal in 73% of the world's nations, leaving 2.6 billion women to live where they can be raped with no legal consequence.[13] There has not been a single VAW case decided by the African Court since the inception of the Maputo Protocol.[14] There are no national laws in China that define domestic violence.[15] 80% of Middle East and North Africa nations have no domestic violence laws.[16] While Papua New Guinea has ratified CEDAW, domestic and intimate partner violence affects an estimated 70% of women, and up to 100% in some communities in the highlands.17 The police force and legal system in PNG is remarkably corrupt, with police themselves responsible for innumerable instances of VAW including gang rape.18 In some ASEAN countries, domestic violence laws provide exemptions for certain acts of violence. Cambodian law, for example, defines discipline conducted with "compassion, pity and sincerity" as acceptable.19 These facts represent just a few of the international,

[11] http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf

[12] Shauna Prewitt. "Raped, Pregnant and Ordeal Not Over," Special to CNN. CNN.com. August 23, 2012. http://www.cnn.com/2012/08/22/opinion/prewitt-rapist-visitation-rights/index.html?iref=nrss_google_cnn

[13] UN Women. UN Entity for Gender Equality and the Empowerment of Women. Progress of the World's Women. 2011-2012. In Pursuit of Justice (2011), page 17. http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf

[14] "In First Judgment on the Merits, African Court Finds Tanzania Violated Citizens' Right to Participate in Democracy by Prohibiting Independent Candidates." International Justice Resource Center. July 5, 2013. http://www.ijrcenter.org/2013/07/05/in-first-judgment-on-the-merits-african-court-finds-tanzania-violated-citizens-right-to-participate-in-democracy-by-prohibiting-independent-candidates/

[15] "Law on the Protection of Women's Rights and Interests of the People's Republic of China," (revised 2005) 7th National People's Cong. of the P.R.C., 5th sess. (April 3, 1992), Article 46, trans., Wellesley Centers for Women. https://www.wcwonline.org/pdf/lawcompilation/TheRevisedLawProtection.pdf

[16] UN Women. UN Entity for Gender Equality and the Empowerment of Women. Progress of the World's Women. 2011-2012. In Pursuit of Justice (2011), page 33. http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf

[17] Papua New Guinea. Consideration of reports submitted by States Parties under Article 18 of the Convention. Combined initial, second and third periodic reports of States Parties CEDAW/C/PNG/3 (22 May 2009) 50. See also SRVAW report A/HRC/23/49/Add.2, para 17.

[18] United Nations General Assembly. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Addendum: Mission to Papua New Guinea* 7 February 2011 A/HRC/16/52/Add.5

[19] Domestic Violence Legislation and its Implementation: An Analysis for ASEAN Countries Based on International Services and Good Practices. UN Women (2011) p.IX.

regional and domestic legislative shortcomings that contribute to more than one in three women globally experiencing physical and/or sexual violence.

Violence against women and girls remains the most widespread human rights violation on earth. Despite growing global outcry, for the most part violence against women is not a violation of international law, and protection of women from individual states continues to be discretionary, leaving billions of women and girls with little or no legal protection against this breed of violence in its varied forms. Current legal remedies are failing women and girls in every corner of the globe. There is a powerful step United Nations member states could take to fill these gaps: UN Conventions provide a legally binding structure in a given national territory that women's rights advocates can use to create new laws, improve existing laws, and drive accountability for implementation of existing law on a local, national, regional, and global scale.

The way forward - A Five-Year Strategy

The call for a global norm on violence against women creates significant political benefit for United Nations member states. The creation, ratification, and implementation of a treaty on VAW is a powerful, yet politically complex endeavor. A fast-moving top down process could produce a weak, ineffective treaty. With major issues concerning colonialist approaches, the success of this treaty depends largely on growth from the developing world, as opposed to an export from Western nations - a condition which many developing nations would be far less likely to support for political and historical reasons. The strategic focus of the Everywoman Everywhere Campaign is not simply a new law, but the most effective, comprehensive treaty possible. Rigorous research and analysis coupled with on-the-ground input from those most affected by violence against women i.e. advocates and survivors, is crucial.

A five-year strategic priority list has emerged, based on the Everywoman Everywhere Coalition's extensive consultations. The three primary areas of focus include: Policy development and implementation, coordination of the coalition while supporting local-level activists and campaigns, and mainstreaming public support mobilization. From a policy perspective, the Everywoman Everywhere Coalition has carefully modeled the blueprint for later stages of policy strategy based on the critical path used by the groundbreaking International Campaign to Ban Landmines (ICBL), which resulted in the United Nations Convention to Ban Landmines, which was awarded the 1997 Nobel Peace Prize. The Everywoman Everywhere Coalition has focused on engaging diverse voices and leaders, activists and survivors from around the world in active debate and full participation in this process, prior to large-scale public launch or announcing a core platform. The policy development stages include: complete and synthesize research- 2015; complete the global consultation- 2015; develop a core platform- 2016; identify and engage United Nations Member States - 2016 and beyond; and ratification and implementation campaigns - 2019 and beyond.

The second area of focus, of coordination of the coalition while supporting local-level activists and campaigns, requires recognition that cultural and systemic shifts required to address violence against women take place primarily through the advocacy work of local women's rights organizations. They are the vehicles through which those elusive long-term shifts in societal norms happen. The ratification and implementation of the new treaty will depend on the capacity of women's rights advocates on the ground in every United Nations member state. While women and girls have recently become a mainstream funding priority, most of this work has focused on supporting women as individuals through economic development, education, and services for survivors of violence against women. Although supporting individual women generates powerful collective shifts on many fronts, evidence clearly shows that education and economic empowerment alone do not prevent violence

against women. Funders have increasingly deprioritized essential complementary work on women's rights. Despite their powerful impact, local women's rights organizations are underfunded. Although violence against women and girls is by far the most widespread violation of human rights on the planet, women's rights groups receive only 1% of human rights funding. A recent survey by AWID showed that on average women's rights organizations in Africa operate on a $12,000 per year budget.

The third area of focus of mainstreaming public support and mobilization will include a public launch in 2016 and the use of the most fundamental tool for movement building: One clear ask through a public campaign and cry for a United Nations Convention on Violence Against Women. The development of online, social media tools around this call to action provides a unique opportunity to educate and refocus the public eye on violence against women through a human-rights framework, with a powerful call to action and mobilizing tools to support the newfound interest. The movement for a Convention will have its own social impact, engaging new individuals and communities in the movement to end violence against women in three simple actions: Signing onto a statement of support; Community signing events, hosted by faith groups, schools, and other community groups; Runs and walks benefiting partner women's rights organizations, which serve multi-layered benefits, including education, awareness raising, engagement, and fundraising.

5. Center for Justice and International Law (CEJIL) – Summary of proceedings: Americas Regional Consultation convened for the United Nations Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (March 16, 2015)

Introduction

At the request of the Special Rapporteur (SR), the Center for Justice and International Law (CEJIL) convened a closed 3-hour meeting in Washington D.C. that counted with in-person and virtual participation of representatives of over 20 organizations working on the promotion and defense of the rights of women in the Americas.[20] The SR stated that the purpose of the consultation was to critically asses the normative gap existing within international law caused by a lack of a legally binding instrument on violence against women, as well as to discuss the need, advantages, and potential drawbacks of a UN treaty on violence against women. The discussion also focused on the Americas experience, particularly regarding the region's understanding of the Organization of American States (OAS) "Belém do Pará" Convention, which provides the main point of reference for identifying challenges associated with the implementation of international normative and institutional frameworks on violence against women.

The SR shared the findings of her recent reports and her research findings on the normative gap that exists when addressing violence against women, including the gaps in CEDAW and the soft law approach of the United Nations. She argued that by highlighting this normative gap, it is not about undermining CEDAW, but recognizing that its protection can be strengthened by acknowledging the lack of clearly binding standards on State obligations to prevent, investigate, punish and provide reparations for violence against women. It is also important to recognize that, as a necessary phenomenon, laws evolve as circumstances change.

[20] Participants represented organizations from Brazil, Colombia, Nicaragua, Guatemala, El Salvador, Argentina, Costa Rica, Dominican Rep.,blic, Mexico, Honduras, Perú, Venezuela, as well as some regional organizations.

In some regions this normative gap has been bridged. Twenty years ago, Member States of the OAS adopted the Belém do Pará Convention, which addresses violence against women and outlines the State's obligation to prevent, investigate and prosecute it. In 2014, Europe followed suit and adopted the Istanbul Convention on violence against women and domestic violence. Additionally, Africa has the Maputo Protocol, which includes useful provisions on violence against women. All these regional instruments respond to regional characteristics and specific on-the-ground realities and needs. The SR explained that, while there are lessons learned from all these mechanisms and their implementation, they were not designed and drafted to respond to a global perspective of violence against women. None of these regional conventions can be taken or should be promoted as global treaties, since they were not drafted with a global consideration and not every State participated in their discussion.

Individuals, organizations and States may wonder why an international convention to address the issue of violence against women is needed when CEDAW, as well as several regional systems and mechanisms, exist. However, as the SR underscored in her response to this question, there is an urgent need to address the global failure to prevent and respond to violence against women, and to address the accountability deficit. Unfortunately, from a universal system perspective and because of the normative gap that exists, this accountability task has to be carried out based on soft law, which is not always an effective mechanism. A global treaty will serve to overcome this, by including clear binding standards regarding State's obligation to prevent and to act with due diligence when addressing violence against women. Crafting a global treaty on violence against women will require exchanging experiences from the existing regional mechanisms and using their best practices, but also thinking on the kind of monitoring mechanism we would like to see created. A global treaty would also allow for the inclusion of regions that currently do not have a binding convention on violence against women, like the Asia, the Pacific and the MENA regions.

Importance of a binding international definition of violence against women and State obligations and its implementation based on the experience of Belém do Pará

During the dialogue, representatives of Guatemalan civil society expressed their agreement with the SR's presentation and conclusions. In Guatemala's experience, the existence of Belém do Pará as a binding treaty has allowed the Government and civil society to create a national framework for addressing violence against women, including the creation of specific legislation, public policies, and prevention mechanisms. As a result, civil society was able to push for the creation of a National Commission (Coordinadora Nacional para la Prevención de la violencia intra-familiar y contra las Mujeres – CONAPREVI) in 2000 that aims to guide the implementation of programs and policies for preventing and addressing violence against women. However, members noted that this national institution is currently facing problems since civil society has been impeded from participating in the Commission's composition as it was originally envisioned in the law.

Similarly, colleagues from Colombia affirmed that Belém do Pará has been crucial in helping develop specific legal frameworks at the national level to address violence against women. Colombian organizations also highlighted the importance that this international instrument has had in guiding the decisions of the judiciary on issues of violence against women, although they mentioned that more needs to be done for judges to understand the binding nature of the international obligations and their role in implementing it. As a main challenge, these organizations identified implementation and compliance and inquire as to how could these challenges be overcome with a new treaty. In El Salvador, Belém do Pará was a pivotal instrument that helped spearhead the creation of a specific legal framework for addressing violence against women. However, representatives of civil society in this country also identified implementing the convention as the main ongoing challenge.

There was agreement among participants that in many ways the existence of Belém do Pará has been fundamental for identifying the issue of violence against women as a human rights issue, as well as for prioritizing the development of specific legislations, mechanisms and policies to address it. Although they agreed that the Convention has some shortcoming, overall, several representatives highlighted the importance of having a basis for defining what constitutes violence against women. In this sense, Belém do Pará allowed for the creation of a framework where the power structures within male-female relationships could be addressed. Most participants agreed with the SR that we are facing a time to start discussing State's accountability for these pervasive human rights violations, not only because of the normative gap that was evidenced, but also because there is a present backlash on these issues.

A participant from Perú referred to possible challenges that the initiative of a UN treaty could face regarding budgetary allocations. She expressed doubts and asked the SR for inputs on whether she thinks a new convention could financially debilitate CEDAW, specially taking into account the difficulties that most human rights mechanisms currently face from a financial perspective. The SR referred to the fact that, 24 years ago, when this same discussion took place, many raised similar arguments regarding lack of funds, proliferation of treaties, and possible implications for CEDAW and other mechanisms. She noted that these three arguments are usually presented when discussing violence against women, but not other human rights issues. While there are definitely budgetary considerations, these concerns should not act as a deterrent. On the contrary, she stressed the need to request States to pay their dues, and duly fund the mechanisms they create. Participants agreed with these comments. Moreover, it was noted that similar challenges were faced by the Belém do Pará Convention, when it was being promoted and drafted.

Participants also stated that a global convention could be an opportunity to address the specific obligations attached to States when it comes to investigating, prosecuting and punishing violence against women, as well as providing appropriate reparations. A convention of this kind could also specifically identify the international obligation of States when it comes to training all legal, judicial and police personnel that deal with the investigation and prosecution of cases of violence against women. In this sense, there was mention of the jurisprudential developments achieved in the Inter-American System of Human Rights, for which the Belém do Pará Convention has been an important contribution.

Conclusion

Several participants raised the question of whether political support existed for a treaty of this nature. Some participants expressed concern over whether opening up the discussion on a global level on the standards for preventing and addressing violence against women could weaken some of the standards that have been achieved universally and regionally. However, it was understood that the discussion still needs to take place, and that lower standards could not be accepted as a result of a possible negotiation process. An interesting point presented by several participants was that States that have promoted and ratified regional obligations for preventing and eradicating violence against women should take an active role in promoting a global treaty.

Most participants identified implementation and monitoring of compliance as one of the main challenges faced regarding Belém do Pará Convention and the legal frameworks that have been developed at the national levels to address and prevent violence against women. Consequently, it was agreed by several participants that the discussion of a new global treaty on prevention and eradication of violence against women must include a discussion on the kind of monitoring and compliance mechanisms to be included in the treaty.

Participants agreed that a new convention could create the necessary space and opportunity to discuss the definition of violence against women; and the inclusion and recognition of specific kinds of violence faced by women all over the world that have been invisible or not correctly or specifically addressed in other legal frameworks. This would allow for the study and the identification of the specific components of the obligations States have under international law to prevent and investigate violence against women. In particular, participants referred to the importance of addressing reproductive and obstetric violence, violence in conflict and post-conflict situations, political harassment, killing of women, torture, cyber-bulling, street harassment, forced displacement, and the situation of women human rights defenders.

6. Summary of proceedings - by Emma Palmer, Emily Waller and Rosemary Grey - The University of New South Wales. Asia-Pacific Regional Consultation convened for the United Nations Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (10 February 2015).

Introduction

On 10 February 2015, prior to the Inaugural Asia-Pacific Conference on Gendered Violence & Violations, UNSW Australia's School of Social Sciences, Faculty of Arts and Social Sciences and the Australian Human Rights Centre, Faculty of Law, with support from the Gendered Violence Research Network, hosted a pre-conference consultation led by Rashida Manjoo, UN Special Rapporteur on Violence against Women, its Causes and Consequences (SRVAW).

This invitation-only session took the form of a structured dialogue with participants from the Asia-Pacific region on the challenges of holding states to their obligations in reducing and preventing violence against women (VAW). The Special Rapporteur facilitated the discussion with participants on how best to address the normative gap in international human rights law in regards to VAW. In particular, the Special Rapporteur sought out participants' views about the development of a legally binding international instrument and a new monitoring body; as well as possible alternative mechanisms, such as proposing a new optional protocol to Convention on the Elimination of Discrimination Against Women (CEDAW).

Participants included a wide range of actors working on VAW in the Asia-Pacific region, including representatives of government agencies, civil society organisations, international organisations, and universities addressing a range of issues directly relevant to VAW, including health, migration, indigenous engagement, LGBTI issues, law reform and legal services, development and foreign aid.

Key themes discussed

Accountability of states: Ensuring the accountability of state actors, both as national governments and as international donors, was a consistent theme throughout the consultation. Whether this accountability takes the form of a new legally binding commitment, a new optional protocol to CEDAW, or sustained advocacy by the UN and civil society actors, there was broad agreement on the need for new engagement strategies and/or accountability measures. There were questions raised, however, about how and whether a new international preventative mechanism could be designed so as to be truly independent.

Inclusive approach: Participants emphasised the need for an inclusive understanding of 'violence against women', and the need to consult with a broad range of actors, including

from the Global South, in the development of a legally binding instrument or other mechanism. In particular, it was noted that a broader definition of 'women' should be considered, which recognises a wider spectrum of gender identities affected by specific forms of violence. It was further noted that government representatives and civil society actors do not necessarily speak for all survivors, and thus ensuring a broader representation of survivor perspectives is paramount.

Empowerment of women: There is a need to respect the agency of all women and empower women themselves. This means that responses to VAW should avoid a narrative of rescue or the provision of 'band aid' responses. Governments can support women who experience violence by providing adequate child care, appropriate skills training and sustainable economic initiatives, all of which are crucial for women to be empowered to take up their right to be active citizens. Further, there must be adequate legal assistance, including through adequately funded legal aid and community legal centres, to support women survivors of violence.

Causes of violence against women: There was broad agreement on the importance of understanding the broader contextual issues and social inequalities that cause violence against women. It was noted that research plays an important role in this regard. However, while prevalence studies are critical to understanding the proportion of women in a population affected by violence, and can persuade governments to act, better understanding the causes of VAW, as well as the various social and economic consequences, remains an important task.

Intersectionality: Reinforcing the need for an inclusive approach and addressing the social and cultural aspects of VAW, there was a call to address the ways that the intersection of gender, race, class, religion, sexual orientation, gender identity and other factors impact on the causes and consequences of VAW. This calls for multi-faceted and coordinated government and international responses – so that causes of violence and survivor needs are not responded to in a 'silo' piecemeal manner, but recognise the need for holistic comprehensive responses that address all intersections of the violence.

Developing synergies with related initiatives: New legal instruments should also consider and address the developments in other areas of international law and governance, including for example, at the International Labour Organisation and World Health Organization.

Continuum of violence against women: The divergence and overlap between 'every day' violence and extreme incidents of violence was of interest to participants. It is important to acknowledge the serious consequences and harm of 'low-level warfare' that women face day-to-day, and to not view such violence as somehow less important than other forms of more acute violence. Violence against women in all its forms has the potential to cause severe harm. As such, it is important that time and resources are not disproportionately devoted to some sites of harm, such as during conflict, or when violence is committed against men and boys, even though these are also important issues.

Resourcing and capacity: Women's organisations must be adequately resourced and all efforts should be made to build capacity and share experiences. In particular, concerns were raised about the capacity of advocacy groups and community legal centres to report to national and international mechanisms, given persistent funding cuts. Any new binding institution or mechanism should be designed with due consideration given to ensuring that it was adequately resourced, but also to facilitate pathways for participation of non-government and women's organisations that may want to report to or engage with it.

Specific questions and comments

1. Will States sign on to a treaty that they don't think they can achieve. For example, would states commit to zero VAW, or would the aim be for a reduction in VAW? What

will happen in post-2015: will we develop a target? Should we be aiming for zero violence in 15 years? A target of a 10% reduction in VAW may attract support. Have prevalence studies on VAW contributed to governments taking action against VAW?

2. What is the link between the independent monitoring system and a systemic due diligence model of prevention and intervention? Need to emphasise the importance of an independent monitoring body, which receives information from government and non-government sources.

3. How will the proposed accountability framework operate? How will the treaty be executed? What would be some of the outcomes?

4. From a community organisation perspective, when thinking about domestic legal tools, you need a clear articulation of the legal standard. A treaty on VAW would therefore be of value, particularly in holding governments to account. Such a treaty would be something much clearer to point to from an advocacy perspective and help provide - at the federal level - an understanding of that there is state responsibility. There is a disfranchisement of the human rights community with the current system, and rather than look at different spaces to find relevant tools, a treaty on VAW would be a powerful and useful instrument for advocates and activists working in this area.

5. Monitoring by international mechanisms: Should we be waiting five years for an independent monitoring for our domestic plans? What constitutes independence for a monitoring mechanism? How would an international mechanism operate in a federal structure, such as in Australia?

6. To what extent, or at what point do we acknowledge donor interventions that mask states' failure? In some countries, significant sums of money are being funneled to programs, which are being implemented, but to what extent are they masking the state's complete failure to do anything about violence against women? In addition, are we also silencing local leaders who develop a reliance on external funders?

7. What sort of instrument(s) would be required to address VAW? Would there be a mix of prevention and addressing impunity? And when thinking about impunity, would it be through a lens of criminalisation or behaviour change?

8. There is a need for understanding the importance of legal standards on VAW and the ability to enforce those standards.

9. The issue of raising awareness globally merits thinking about. What can the UN do to ensure that these women know about the resolutions and treaties? Also, most ministers and government representatives are men, whose attitudes to women's rights are heavily compromised, and who do not understand the content of the resolutions. As a result, many countries lack the resources and time to comply with the resolutions. What is the role of women's rights organisations in advocating for a legal framework on VAW? There is a need for a legal framework, but women must be aware of this legal framework in order to seek accountability for VAW.

10. How would the Special Rapporteur balance her views of accountability, empowerment and social transformation in a treaty?

11. How will the 'causes of violence' issue be addressed in a treaty / optional protocol?

12. There are further normative gaps in relation to the definition of 'women'. Does it include culturally specific genders such as sister-girls, for example? Sister-girls make up 10% of people in the Tiwi islands. Fa'afafine in Polynesia or Hijra in South Asia are also important categories of gender in the region. There is an ethno-centrism in existing declarations/treaties. Will it take into account the sterilisation of intersex people? FGM is illegal in some countries, but if a person is born with intersex physical characteristics,

medical intervention is needed – would this be considered a legal intervention? Are other gender identities of women and men that need to be taken into consideration? People with non-binary gender identity and people with intersex characteristics are often excluded and/or discriminated against. Thus there are normative gaps within the normative gaps.

13. It was argued that some domestic programs to redress Indigenous disadvantage is not designed or implemented in a gendered way, and thus ignores the role of VAW in driving inequalities in Indigenous communities. How will 'gender' be addressed in any new instrument, considering the shift to gender neutrality?

14. Another frequently discussed concept at the moment is the International Labour Organisation social protection floor recommendation. This is a very un-gendered document but the idea of social protection is an interesting one to think about in relation to VAW and how we can link issues of poverty to broader social security. Violence is very rarely part of that social understanding of a right to social security.

15. The issue of ending conflict-related sexual violence has really taken off in the last few years, as was evident in the 2014 London Summit, for example. This raises political issues in the UN Security Council and other forums. Are the issues of "everyday" VAW and conflict-related sexual violence seen as in tension with each other, or interconnected?

16. What is the connection between the growing inequalities globally (North/South for example) and human rights violations? Participants also asked whether some privileged actors took a "moralising" position in regards to VAW, without recognising issues of inequality.

Conclusion

In conclusion, the participants were appreciative of the Special Rapporteur for ensuring the regional engagement on this important discussion. They were supportive of efforts to ensure greater accountability by states in preventing and responding to VAW, including through a new international treaty or other mechanism. Questions were raised on whether a new human rights instrument focusing specifically on VAW and/or a new optional protocol for CEDAW, which addresses many of these contextual issues, would be complementary or competing instruments. In addition, there were concerns that a new international treaty could potentially weaken CEDAW and erase important gains that have been made over the years. The participants indicated strong interest in being kept informed of progress on this discussion.

7. Submission received from Global Rights for Women – Minnesota, USA International Violence against Women Act (I-VAWA) as a Mechanism to Address Normative Gaps in Legal Frameworks on Violence Against Women

Introduction

Around the globe, violence against women is an epidemic. Violence robs women and girls of their full potential and causes untold human suffering. Violence against women impedes economic development, threatens peace and prosperity, and inhibits full participation in civic life. For every woman who has been beaten in her own home, for the millions of women who have been raped as a weapon of war, for every girl who has been attacked on her way to school, for all of the children–girls and boys–who have witnessed this brutality, we must do better. (Vice President Joe Biden, Statement on the Anniversary of the International Day for the Elimination of Violence Against Women, November 24, 2010).

The International Violence Against Women Act (I-VAWA)[21] has been introduced in the United States Congress multiple times since 2007 but has never been passed into law. It will be reintroduced in the 114th Congress during 2015. I-VAWA provides: It is the policy of the United States . . . to systematically integrate and coordinate efforts to prevent and respond to violence against women and girls internationally into United States foreign policy and foreign assistance programs. If adopted and appropriately implemented, I-VAWA could profoundly influence efforts to address normative gaps in legal frameworks on violence against women around the globe by tying US government policy and foreign aid to legal reform and essential services for victims of violence. I-VAWA enumerates a panoply of findings on violence against women, regarding the prevalence of sexual violence and domestic violence, heightened risk of violence for women with disabilities, displaced and refugee women, women in conflict and natural disasters, early and forced marriage, and susceptibility to HIV/AIDS.

I-VAWA creates a permanent Office of Global Women's Issues in the Department of State, headed by an Ambassador-at-Large for Global Women's Issues.[22] The Ambassador-at-Large: Shall direct activities, policies, programs, and funding relating to gender equality and the advancement of women and girls internationally, including those intended to prevent and respond to violence against women and girls.[23] The duties of the Ambassador-at-Large also include promoting and advancing gender analysis into the programs of the Department of State and other federal agencies; directing US government resources; carrying out activities regarding prevention and response; conducting regular consultations with civil society; requiring rigorous monitoring and evaluation of programs; serving as the principle advisor to the Secretary of State on violence against women and girls as a foreign policy matter; and representing the US in diplomatic and multi-lateral fora.[24] Thus, I-VAWA gives the Ambassador-at-Large the authority to set policy that could condition funding and other foreign policy decisions on adoption of best practices. I-VAWA also creates a Senior Coordinator for Gender Equality and Women's Empowerment in the US Agency for International Development (USAID) with duties similar to those of the Ambassador-at-Large.[25]

I-VAWA directs the US government to create a comprehensive five-year strategy to reduce violence against women and girls in at least five low-income and lower-middle income countries where the problem is especially severe.[26] Assistance to the selected countries must include at least two of five identified activities, one of which is "development and enforcement of civil and criminal legal and judicial sanctions, protections, trainings, and capacity."[27] At least ten percent of assistance funding must be provided to community-based nongovernmental organizations, with priority given to organizations led by women.[28] This program could be an instrument for requiring participating countries to address gaps in their civil and criminal legal frameworks on violence against women.

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[21] See H.R. 3571(Nov. 21, 2013). https://www.congress.gov/113/bills/hr3571/BILLS-113hr3571ih.pdf

[22] H.R. 3571, Sec. 101 (a).

[23] H.R. 3571, Sec. 101 (c) (1)(A).

[24] H.R. 3571, Sec. 101 (c)(1)(B) – (H).

[25] H.R. 3571, Sec. 102.

[26] H.R. 3571, Sec. 111 (e).

[27] H.R. 3571, Sec. 112 (b)(4). The other activities are:
Development and implementation of programs to change social norms and attitudes. (Sec. 112 (b)(1))
Promotion of educational opportunities. (Sec. 112 (b)(2))
Promotion of economic opportunities. (Sec. 112 (b)(3))
Enhancement of the health sector response. (Sec. 112 (b)(5))

[28] H.R. 3571, Sec. 112 (c).

Current Developments

Although I-VAWA has not been passed into law, the Obama administration is nevertheless carrying out some of the activities set forth in I-VAWA. Catherine M. Russell was appointed Ambassador-at-Large for Global Women's Issues in 2013. Despite the fact that I-VAWA is not yet law, the Secretary's Office of Global Women's Issues, headed by Ambassador Russell, "seeks to ensure that women's issues are fully integrated in the formulation and conduct of U.S. foreign policy. The Office works to promote stability, peace, and development by empowering women politically, socially, and economically around the world."[29] Likewise, Susan Markham was appointed Senior Coordinator for Gender Equality and Women's Empowerment for USAID. USAID programs support prevention and response to gender-based violence by: addressing the root causes of violence; improving prevention and protection services; responding to the health and economic needs of those affected by gender-based violence; supporting legislation and its enforcement against gender-based violence.[30]

President Obama issued an executive order, Preventing and Responding to Violence Against Women and Girls Globally, on August 10, 2012. Based on that order, the administration released *The United States Strategy to Prevent and Respond to Gender-Based Violence Globally* (the *Strategy*).[31] The *Strategy* not only provides insight into how the current administration might implement I-VAWA if it were to become law, it indicates that I-VAWA may already be the *de facto* policy and practice of the US government. However, because I-VAWA has not been passed into law, the policy may not extend beyond the current administration. In fact, the *Strategy* is scheduled to expire in August 2015. Therefore, its potential for influencing normative gaps in the legal frameworks of other countries is likewise limited.

The objectives of the *Strategy*, a joint undertaking of the Department of State and USAID, for prevention and response efforts with regard to gender-based violence, are: to increase coordination among US government agencies and with other stakeholders; to enhance integration into existing US government work; to improve collection, analysis, and use of data and research to enhance prevention and response efforts; to enhance or expand US government programming.[32] The guiding principles of the *Strategy*, consistent with human rights principles, are prevention, protection and accountability.[33] The identified activities encompass both a humanitarian and a human rights focus. According to the *Strategy*, diplomatic focus and foreign aid directed at gender-based violence has increased since the 1990's due in part to the use of rape as a tactic of war. The scope of the US government's attention to gender-based violence has expanded beyond providing services to survivors to more comprehensive programming that focuses on prevention.[34] For 2013, the Department of State and USAID requested $147.1 million for programs addressing gender-based violence worldwide. Over half of the request was allocated to Global Health Programs.[35]

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[29] US Department of State, Global Women's Issues, http://www.state.gov/s/gwi/.

[30] USAID, Gender-Based Violence, http://www.usaid.gov/gender-based violence.

[31] United States Strategy to Prevent and Respond to Gender Based Violence Globally, United States Department of State and United States Agency for International Development, http://pdf.usaid.gov/pdf_docs/PDACT888.pdf.

[32] *Strategy*, p. 14 – 21.

[33] *Strategy*, p. 13.

[34] *Strategy*, p. 8.

[35] *Strategy* at p. 9. By comparison, the budget request for VAWA for FY2013 was $412.5 million. "FY2013 Budget Request at a Glance," Office of Violence Against Women, http://www.justice.gov/sites/default/files/jmd/legacy/2013/11/18/fy13-ovw-bud-summary.pdf.

The *Strategy* describes how several bureaus and offices within the Department of State currently address gender-based violence. For example, the Office of Global Criminal Justice addresses the issue of accountability as a deterrent. The Bureau of Democracy, Human Rights and Labor funds programs that build capacity to investigate and prosecute gender-based violence cases, provide legal and psychological resources to victims, and educate communities. The bureau also supports the media and civil society to monitor and report on cases of gender-based violence.[36] Among the new initiatives identified in the *Strategy*, perhaps most relevant to addressing normative gaps is the following plan of the Secretary's International Fund for Women and Girls and the Secretary's Office of Global Women's Issues to: Advocate for development and implementation of laws and policies in other countries to monitor, prevent, and respond to gender-based violence. This includes work to strengthen institutions and support partner governments' efforts to develop appropriate legislation, harmonize laws and other provisions in the legal code, develop action plans for implementation and help train oversight of and advocacy for implementation of the laws.[37]

Although the *Strategy's* description of USAID's commitment to addressing gender-based violence does not explicitly reference normative gaps in legal frameworks, some of its programs may have that effect. Notably, among the agency's measures of success will be "number of laws, policies, or procedures drafted, proposed, or adopted" with United States government assistance aimed at improving prevention or response to gender-based violence at the regional, national or local level.[38] As currently drafted, I-VAWA does not include specific standards for legal reform. It contains only broad outlines for integrating a response to violence against women into US foreign policy. By comparison, the Istanbul Convention,[39] the most recent regional legal standard on violence against women, supplies a comprehensive framework, policies and measures for preventing domestic violence, protecting victims and holding offenders accountable.[40] Thus, while I-VAWA has the potential to influence governments to address normative gaps on violence against women, it must do so through its implementation.

Likewise, unlike the United States' Violence Against Women Act (VAWA), I-VAWA does not create specific criteria for receipt of US government funding. VAWA, which funds violence against women in programs in the United States, requires that states, local governments and advocacy coalitions comply with many best practices to receive government grants. For example, recipients of one type of VAWA funding must develop and promote legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.[41] Although the current I-VAWA draft does not include such specific language, it contains the basis for creating such requirements through the Office of Global Women's Issues. In the United States, successful change has resulted due to the federal law imposing conditions for the receipt of funds, including upon adopting best practices and requiring criminal justice agencies to collaborate with NGO service providers. This has changed the way the criminal justice

[36] *Strategy*, p. 25.

[37] *Strategy*, p. 31.

[38] *Strategy*, p. 42.

[39] Council of Europe Convention on preventing and combating violence against women and domestic violence, http://www.conventions.coe.int/Treaty/EN/Treaties/Html/210.htm.

[40] See, e.g. Chapter 5, Substantive Law. The Istanbul Convention requires member states to undertake specific legislative changes, where necessary, including providing adequate civil remedies for victims (Art. 29), and outlawing forced marriage (Art. 37), psychological violence (Art. 33), stalking (Art. 34), and sexual violence (Art. 36). It requires that member states apply criminal offenses regardless of the relationship between the parties (Art. 43).

[41] Crystal Judson Domestic Violence Protocol Program, 42 USC §3796gg (b)(14).

system operates in addressing violence against women. The meaningful collaborations that resulted from the requirements for VAWA funding have lasted long after the grants ended. I-VAWA could incorporate such requirements through its implementation.

Conclusion

The United States has the potential take a leadership role in addressing normative gaps in legal frameworks on violence against women around the world. It has the resources to do so and I-VAWA provides an obvious mechanism for carrying out such leadership. However, to realize that potential the United States will have to muster the political will to pass I-VAWA. Once passed, it must establish specific standards based on recognized best practices for addressing violence against women and require international partners to adopt and implement best practices to receive foreign aid. The Istanbul Convention can serve as a model for establishing a framework of standards and VAWA can serve as a model for requiring implementation of best practices in return for funding.